

Chapter 34: RULES AND REGULATIONS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS

SUMMARY: Chapter 34 establishes minimum standards for the safe storage, possession, handling, dispensing and transportation of flammable and combustible liquids (including waste liquids). The rule also applies to motor fuel dispensing facilities, marine motor fuel dispensing facilities, fuel dispensing facilities located inside buildings, fleet vehicle motor fuel facilities, farms, isolated construction sites and repair garages. This rule is an agency incorporation of the following National Fire Protection Association (NFPA) Codes #30 2008 Edition *Standards for Flammable and Combustible Liquids*; #30A 2008 Edition *Code for Motor Fuel Dispensing and Repair Garages*, #30B 2007 Edition *Code for Manufacture and Storage of Aerosol Products*, and #385 2007 Edition *Standard for Flammable and Combustible Liquids*. Chapter 34 incorporates National Fire Protection Association # 30, *Flammable and Combustible Liquids Code*, 2003 Edition; #30A *Code for Motor Fuel Dispensing Facilities and Repair Garages*, 2003 Edition; 30B, *Code for the Manufacture and storage of Aerosol Products*, 2007 Edition; and #385, *Standard for Tank Vehicles for Flammable and Combustible Liquids*, 2007 Edition. Chapter 34 regulates the storage, handling, dispensing and transportation of flammable and combustible liquids.

§1. This rule incorporates by reference NFPA #30, 2008⁸³ Edition, *Standards for Flammable and Combustible Liquids*, not including standards relating to storage in underground tanks of materials currently regulated by the Maine Department of Environmental Protection under Title 38 or to storage of flammable substances that are regulated by the Department of Professional and Financial Regulation under Title 32. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

1. The following table and sections in NFPA #30, *Standards for Flammable and Combustible Liquids*, shall be excluded from this rule:
 - A. Table ~~22.4.1.1 (b) 4.3.2.1.1 (B)~~ of NFPA 30 *Reference Table for Use in Tables 22.4.1.1 (a) 4.3.2.1.1(a), 22.4.1.3 4.3.2.1.2, and 22.4.1.5 4.3.2.1.4*. All references to table ~~22.4.1.1 (b) 4.3.2.1.1 (B)~~ of NFPA 30, shall be interpreted as a reference to “Table 4.3.2.1.1(b) *State of Maine* Reference Table for Use in Tables ~~22.4.1.1 (a) 4.3.2.1.1(a), 22.4.1.3 4.3.2.1.2, and 22.4.1.5 4.3.2.1.4~~” (see table in appendix A to be incorporated in this rule).
 - B. All references to underground storage tanks:
 - C. Sections of NFPA 30 referring to underground storage tanks, which are regulated by the Maine Department of Environmental Protection under Title 38 MRSA §561 are excluded from this rule.
 - D. Sections of NFPA 30 referring to the underground storage of flammable substance are:

~~23.6.24.2.5.3~~
~~23.5.34.3.3.2~~
~~23.64.3.3.3~~
~~A.23.3.3A.4.3.3.2.1~~
~~21.7.4.3.94.6.5.10~~
~~23.3.44.2.6.1~~
~~A.4.2.6.1~~
 C.6.
~~23.134.3.3.4.2~~
~~23.13.34.3.3.4.4~~
~~23.144.3.3.5~~
~~23.54.3.3~~
~~21.7.54.6.6~~
~~A.21.7.5A.4.6.6~~
~~28.10.27.6.9~~
~~23.44.3.3.1~~
~~4.3.3.4~~
~~21.7.1.54.6.1.4~~
~~21.7.4.34.6.5~~
~~A.21.7.4.3.3(2)A.4.6.5.4(A)~~
 C.5
~~21.7.4.3.84.6.5.9~~
~~C.24.6.5.6~~
~~21.54.4~~
~~A.4.4.2~~
~~A4.4.3~~
~~23.65.7.2~~
~~A.23.6.1A.4.2.5.3.~~

§2. This rule incorporates by reference NFPA # 30A, 200~~83~~ Edition, *Code for Motor Fuel Dispensing Facilities and Repair Garages*. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

1. The following table and section(s) in NFPA #30A, *Code for Motor Fuel Dispensing Facilities and Repair Garages Standards for Flammable and Combustible Liquids*, 200~~83~~ edition shall not be included in this rule:
 - A. Table 4.3.2.4 *Tanks shall be located in accordance with Table 4.3.2.4*. All references to it shall be replaced with a reference to “Table 4.3.2.4 *State of Maine* Minimum Separation Requirements for Aboveground Tanks” (see table in Appendix B).
 - B. Section 6.3.8 *At unattended self-serve motor fuel dispensing facilities, coin- and currency-type devices shall only be permitted with the approval of the authority having jurisdiction.*
 - C. Section 6.7.2 *At unattended motor fuel dispensing facilities, the devices or disconnects shall be readily accessible to patrons and at least one device or disconnect shall be readily accessible to each group of dispensing devices on an individual island.*

D. Section 7.3.5-~~4~~ *Fixed Fire Protection*

2. In addition to all requirements of NFPA 30A section 9.5, unattended self-service retail gasoline facilities shall comply with the following:
 - A. A fixed automatic fire suppression system meeting the requirements of NFPA 17, *Standard for Dry Chemical Extinguishing Systems, 2002 edition*, as incorporated by rules of the Department of Public Safety, Office of the Fire Marshal, Chapter 6, Fire Extinguishing Systems, shall be installed and properly maintained. Systems designed and meeting UL 1254 1992 edition, or later, will be accepted.
 - B. A flame sensor shall be installed by individuals trained by the manufacturer of the equipment in addition to any heat sensing devices required by NFPA 30A.
 - C. The facility owner/operator shall provide and maintain a means to automatically notify the local fire department in accordance with NFPA 72, *National Fire Alarm Code, 2007~~2~~* edition as incorporated by rules of the Department of Public Safety, and Office of the Fire Marshal, Chapter 17, National Fire Alarm Code.
 - D. The Primary Fire Department having jurisdiction in the area in which a proposed self-service station is to be located shall be informed of such proposal and the requirements of all local ordinances must be met.
 - E. No one shall construct, reconstruct, convert or alter any service station to provide unattended self-service gasoline dispensing without first notifying the Office of the State Fire Marshal in writing of the type and address of the facility.
 - F. ~~The owner or operator of any unattended self-service facility existing prior to the date of this rule must notify the Office of the State Fire Marshal in writing by July 1, 2006.~~
3. Special Regulations for Attended Self-Service Gasoline Facilities
 - A. No one shall construct, reconstruct, convert or alter any service station to provide attended self-service gasoline dispensing without first notifying the Office of the State Fire Marshal in writing of the type and address of the facility.
 - B. Every gasoline service station shall be under the direct control of the owner, operator or duly authorized employee who shall be on duty at all times that gasoline is being sold or dispensed.
 - C. Each facility shall be equipped with a fixed fire extinguishing system installed in accordance with NFPA #30A, *Code for Motor Dispensing Facilities and Repair Garages, 2008~~3~~* edition. The system shall provide protection for all pumps in the dispensing area. Each extinguisher head shall be installed in such a manner that an accumulation of ice or snow will not adversely affect the proper functioning of the system.

- D. The number of nozzles capable of simultaneous operation may not exceed sixteen nozzles per operator on duty in islands open to use, and no more than eight nozzles may be in use at one time.
- E. The controlling mechanism console and its related equipment are to be listed by Underwriters Laboratories.
- F. In addition to the required operating instructions set forth in NFPA #30A, signage shall include a requirement that the user stay in view of the fueling nozzle during dispensing.
- G. The controlling console providing power to the pump motor must be monitored by the owner, operator or duly authorized employee at all times while gasoline is being dispensed and properly protected against physical damage from motor vehicles.
- H. There shall be constant contact by the control console operator and the pump island by means of inter-communication system that shall be maintained in proper operating condition.
- I. The control console operator must observe the filling operation of each vehicle. Mirrors are not acceptable as providing adequate visual control.
- J. The control console shall include a disconnect switch capable of instantly disconnecting all pumping power.
- K. The Primary Fire department having jurisdiction or providing mutual aid in the area in which a proposed self-service station is to be located shall be informed of such proposal and the requirements of all local ordinances must be met.
- L. The operations permit must be posted in the plain view of the public, unobstructed, at the site.
- M. An automatic-closing type hose nozzle valve listed with United Laboratories (or other recognized agency applying an equivalent test) with latch-open device may be installed.
- N. The owner or operator of any attended self-service facility existing prior to the date of this rule must notify the Office of the State Fire Marshal in writing of by July 1, 2006.

§3. This rule incorporates by reference NFPA #30B, *Code for the Manufacture and Storage of Aerosol Products*, 2007 Edition. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

§4. This rule incorporates NFPA #385, 2007 Edition, *Standard for Tank Vehicles for Flammable and Combustible Liquids*. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

§5. Applications, Construction Plans, Technical Specifications, Permits and Fees of Aboveground Flammable Liquid Storage Facilities. (Note: see Title 25 M.R.S.A §2481 through §2484).

1. The construction plans and technical specifications for storage facilities exceeding 1,320 gallons, in one or multiple tanks, shall be certified by a professional engineer.
2. A permit is non-transferable pursuant to Title 25 M.R.S.A §-2481, (5). A person acquiring an existing facility must notify the Office of the State Fire Marshal within 180 days of assuming ownership of that facility.

§6. **PERMITS FOR TEMPORARY TANKS**

1. The owner/operator of an aboveground flammable liquid storage tank that is located at a temporary work site and will be on the site for 180 days or less shall not be required to obtain a permit but must otherwise comply with this chapter.
2. Operation of a temporary tank in excess of 180 days shall require a permit pursuant to this chapter under Title 25 M.R.S.A. §-2483.

§7. **SPECIAL REGULATIONS FOR REPORTING OIL DISCHARGES AT ABOVEGROUND FLAMMABLE LIQUID STORAGE FACILITIES**

1. An owner or operator of an aboveground flammable liquid storage facility containing oil, or any person who causes or is responsible for a discharge of oil or who has custody or control of the oil at the time of the discharge at such a facility, must report a discharge prohibited by 38 M.R.S.A. §-543 within two hours to the Department of Environmental Protection.
2. For the purposes of this chapter "Aboveground flammable liquid storage facility" means any aboveground storage tank or tanks containing flammable liquids, together with associated piping, transfer and dispensing facilities.
3. For the purposes of this chapter "Flammable liquid" means either a combustible liquid having a flash point at or above 100 degrees Fahrenheit or any volatile liquid having a flash point below 100° Fahrenheit.
4. For the purpose of this section, "discharge" means any spilling, leaking, pumping, pouring, emitting, escaping, emptying or dumping.
5. For the purpose of this section, "oil" means oil, oil additives, petroleum products and their byproducts of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other nonhazardous waste, crude oils and all other liquid hydrocarbons regardless of specific gravity.
6. This section does not apply to the storage of oil regulated by the Maine Department of Professional and Financial Regulation under Title 32.

STATUTORY AUTHORITY: 25 M.R.S.A. §2482

NOTE: Title 38 M.R.S.A. Section 561, which is enforced by the Maine Department of Environmental Protection (DEP), prohibits the discharge of oil in certain areas. Any person discharging or suffering a prohibited discharge of oil and any responsible party shall immediately undertake to remove that discharge to the DEP commissioner's satisfaction, as required by 38 M.R.S.A. sections 548 and 568. The discharge of hazardous matter is prohibited by 38 M.R.S.A. section 1317-A. Discharges of hazardous matter from an aboveground flammable liquid storage facility must be reported immediately to the Department of Public Safety as required by 38 M.R.S.A. subsection 1318-B, subsection 1. "Hazardous matter" means substances identified as hazardous matter by the Board of Environmental Protection pursuant to 38 M.R.S.A. section 1319, subsection 1.

NOTE: Prior to the 2003 adoption of Chapter 34, *RULES AND REGULATIONS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS*, text of the rule included outdated material and additional information designed to provide assistance to those installing tanks. The 2003 clarifies what text is contained in the body of the rule.

History of Chapter 317, "Regulations Relating to Flammable and Combustible Liquids"

EFFECTIVE DATE:

November 17, 1965

REPEALED AND REPLACED:

January 13, 1991

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

RENUMBERED:

August 7, 2001 - moved to new Chapter 34.

History of Chapter 34, "Rules for the Display of Fireworks"

EFFECTIVE DATE:

1951

READOPTED

July 31 1979

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

REPEALED AND REPLACED:

November 9, 1996

RENUMBERED:

August 7, 2001 - former Chapter 34 moved to Chapter 25. Former Chapter 317 moved to new Chapter 34, "Regulations Relating to Flammable and Combustible Liquids"

AMENDED:

August 18, 2004 - filing 2004-348

June 2, 2005 – filing 2005-197 (EMERGENCY), struck Section 2.A.

April 23, 2006 – filing 2006-158

September 3, 2007 – filing 2007-377

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Appendix A

Table 4.3.2.1.1(b) State of Maine Reference Table for Use in Tables 4.3.2.1.1(a), 4.3.2.1.2, and 4.3.2.1.4

Tank Capacity (gal)	Minimum Distance from property line that is or can be built upon, including the opposite side of a public way (ft)	Minimum distance from nearest side of any public way or from the nearest important building on the same property (ft)
275 or less	25	25
276 to 750	25	25
754 to 12,000	25	25
12,001 to 30,000	25	25
30,001 to 50,000	30	25
50,001 to 100,000	50	25
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 to more	175	60
For SI units, 1 ft. = 0.3 m; 1 gal = 3.8 L.		

Appendix B

Table 4.3.2.4 *State of Maine* Minimum Separation Requirements for Aboveground Tanks

Tank Type	Individual Tank Capacity (gal) (See 4.3.2.3 and 4.3.2.5)	Minimum distance from the nearest important building on the same property (ft)	Minimum distance from the nearest fuel dispensing device (ft) (see 4.3.2.6)	Minimum distance from lot line that is or can be built upon, including the opposite side of a public way (ft)	Distance from the nearest side of any public way (ft)	Minimum distance between tanks (ft)
Tanks in Vaults*	0 - 12,000	25	25	50	25	Separate compartments required for each tank
Protected aboveground tanks	less than or equal to 6,000	5	25	15	5	3
	6,001 - 12,000	15	25	25	15	3
Fire resistant tanks	0 - 12,000	25	25	50	25	3
Other tanks meeting the requirements of NFPA 30A	0 - 12,000	50	50	100	50	3